

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

CASE NO.: 00-6022 CIV-LENARD/TURNOFF

HENRY NARANJO and
MARLENE RAMIREZ,

Plaintiffs,
vs.

COPY

STEPHEN BYRON SMITH, PALMER
JOHNSON EXPORT SALES, INC.,
PALMER JOHNSON DISTRIBUTORS,
INC., and PALMER JOHNSON, INC.,

Defendants,

-----X

LOCATION: LAW OFFICE
80 SW 8TH STREET
SUITE 2520
MIAMI, FLORIDA 33160

DATE: JANUARY 16, 2001 - TUESDAY

TIME: 2:30 P.M. - 4:00 P.M.

CONTINUATION DEPOSITION

OF

HENRY NARANJO

Hi-Tech Court Reporting, Inc.

PROFESSIONAL REPORTERS

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20

21 ALSO PRESENT: SILVIA QUIJANO, INTERPRETER
22 MARLENE RAMIREZ

23

REPORTED BY: KATHERINE TRAINER
COURT REPORTER

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I-N-D-E-X

WITNESSPAGE

HENRY NARANJO

(CROSS-EXAMINATION BY MR. KALLEN)

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(CROSS-EXAMINATION BY MR. WEBER)

26

(CROSS-EXAMINATION BY MR. DAPENA)

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E-X-H-I-B-I-T-S

(Marked for Identification)

DEFENDANT'SITEMPAGE

Exhibit No. 18 Interrogatories: Q&A

15

Exhibit No. 19 Tax Returns: 1992, 1993, 1994,
1995, 1996, 1997, 1998.

16

1 The CONTINUATION deposition of the witness, HENRY
2 NARANJO, taken in the above styled cause, before KATHERINE
3 TRAINER, Shorthand Reporter and Notary Public, in and for the
4 State of Florida, pursuant to the Notice heretofore filed

(Thereupon, the interpreter was duly sworn.)

7 | THEREUPON:

HENRY NARANJO

9 and Marlene Ramirez, witnesses of lawful age, having been
10 called by the Defendant, and being by the undersigned Notary
11 Public first duly sworn through the interpreter, was examined
12 and testified under oath as follows:

DIRECT EXAMINATION

14 BY MR. KALLEN:

15 Q. Mr. Naranjo, how are you today, sir?

16 A. Not too good.

17 Q. I'll try to be relatively quick, and I'll apologize
18 in advance if I begin asking you questions that were asked of
19 you a number of days ago, but I'll try to avoid that.

20 A. Okay.

21 Q. Other than yourself on the day of the explosion was
22 anyone else welding on this boat?

23 A. No.

24 Q. Prior to the time that you started welding the
25 aluminum plate to the deck in the lazarette --

1 THE INTERPRETER: I'm sorry.

2 MR. KALLEN: Just say "Lazarette."

3 Q. Did you do any other welding that day in the
4 lazarette?

5 A. No.

6 Q. You had done other welding jobs on the boat besides
7 that one on the day of the explosion, correct?

8 A. The same day, no.

9 Q. On other days?

10 A. Yes.

11 Q. Other than yourself, were there other welders who
12 had done welding jobs on that boat before the day of the
13 explosion?

14 A. Yes.

15 Q. Do you remember their names?

16 A. Yes. Frank Pichardo.

17 THE INTERPRETER: By sound, P-I-C-H-A-R-D-O.

18 A. Santiago Biasteras.

19 THE INTERPRETER: S-A-N-T-I-A-G-O

20 B-A-L-L-E-S-T-E-R-O-S.

21 A. Andre Pichardo.

22 Q. Anyone else?

23 A. I don't recall any other one.

24 Q. Do you remember your Employee ID number at Bradford?

25 A. Not at this time.

1 Q. In order to fabricate the aluminum plates that you
2 did that day, where did you get the aluminum material from?

3 A. The aluminum is always in stock at the welding shop.

4 Q. So you did not have to get the aluminum from the
5 materials department or materials shop?

6 A. They just provide that there, right from the very
7 shop.

8 Q. What shop?

9 A. The welding shop.

10 Q. In order to get this aluminum to make the plates,
11 did you have to sign a work slip or a materials order?

12 A. Yes.

)
13 Q. You do make out a sheet of paper where you are
14 ordering the materials, the materials that you are going to
15 use on the boat; did you do that?

16 A. Yes.

17 Q. Don't you or would you put your Employee ID number
18 on that; correct?

19 A. Yes.

20 Q. Do you know for sure whether when you first started
21 to work on the aluminum plates that day of the explosion or
22 whether you started a day before or two days before?

23 A. It was the same day of the explosion.

24 Q. How many hours did it take you to fabricate the two
25 aluminum plates?

1 A. Several hours. I don't know exactly how many at
2 that time. I don't know how to tell you exactly what it was,
3 several hours.

4 Q. Do you think at least three hours?

5 A. I believe it was longer.

6 Q. Other than - Let's call it the "lazarette job" - do
7 you understand what I mean by the "lazarette job"; that you
8 were doing?

9 I'll be more specific: On the day of the explosion
10 other than fabricating the two aluminum plates; take the
11 plates on board the boat and into the lazarette; and
12 beginning to weld, did you do any other welding job on that
13 boat that day?

14 A. No.

15 Q. So the only welding job that you do on this boat on
16 the day of the explosion is what we just discussed?

17 A. Yes, that's what it was on that day.

18 Q. And if I recall your testimony before, when you
19 showed up at work that morning your boss, Tony Watson, told
20 you this was the job that you were doing; is that correct?

21 A. That is correct.

22 Q. Did you know that Tony Watson had inspected the
23 lazarette space before you started to weld later that day?

24 A. Yes.

25 Q. Do you know why Tony Watson inspected the lazarette

1 space before you started to weld?

2 A. Can you repeat that again?

3 Q. Do you know why Tony Watson inspected the space
4 before you started to weld there?

5 A. He would always inspect all of the jobs before he
6 would order someone.

7 Q. To weld?

8 A. Yes. In order to do the work that has to be done in
9 there, he would go first.

10 Q. And that is because it's part of his job to make
11 sure that it's going to be safe for you to weld before you
12 start; is that right?

13 A. Yes.

14 Q. You rely on that before you will start a welding
15 job, right?

16 A. Correct.

17 Q. You will not begin a welding job if your supervisor
18 has not inspected the space first, correct?

19 A. That's correct.

20 Q. And you also will inspect the area or space as well,
21 correct?

22 A. Yes.

23 Q. I believe that you testified before in this case
24 that you did inspect the space; is that right?

25 A. Yes, that is correct.

1 Q. You look for combustible materials?

2 A. Yes.

3 Q. You made sure the area was clean and free of debris?

4 A. Yes.

5 Q. You also checked for any holes in the area where you
6 were welding?

7 A. Yes.

8 Q. You did not see any holes; is that right?

9 A. That is right.

10 Q. Why do you check? Why did you check for holes?

11 Tell me, I'm not welder.

12 A. Can I have some water?

13 Q. Sure.

14 (WHEREUPON, a brief recess was had.)

15 A. Can you ask the question again.

16 (WHEREUPON, the testimony requested was read back by
17 the reporter as recorded.)

18 A. The area where I work, I inspect to see if they do
19 have or do not have holes; that is because that is to see if
20 there is nothing underneath, that something will slide down,
21 or that you have a spark going down since the buckets are
22 also made with wood. You have to be cautious so there are no
23 holes and cover them up; for that reason there were no holes.

24 Q. What would you have done if you saw a couple of
25 holes in the deck?

1 A. I would ask or I would ask the captain, What is in
2 the area? What do they have in there?

3 Q. Why?

4 A. To be cautious.

5 Q. Would you have asked your foreman to find out for
6 sure?

7 A. Of course I would.

8 Q. Why did you put a fire blanket on the deck?

9 A. Because they had these balloons - these balloons
10 that's in order to protect the boat and made out of plastic.

11 Q. I'm not sure that I understand.

12 Did you see some plastic material that you wanted to
13 cover up?

14 A. Well, I recall perfectly well before I started the
15 job, they had this protector, that's the bumper protector in
16 order for the ship not to get hit.

17 Q. Like fenders?

18 A. Like fenders.

19 Q. That they put on the outside of the boat so that
20 when it stops the dock rubs up against the fender and not the
21 boat?

22 A. That is right.

23 Q. You saw some of those in the lazarette?

24 A. Yes, sir.

25 Q. How many did you see?

1 A. I don't recall.

2 Q. So you covered those with a fire blanket?

3 A. Yes.

4 Q. Did you cover anything else with a fire blanket?

5 A. No.

6 Q. You also said before that in addition to checking
7 the area for combustibles you also ventilated the space. How
8 do you ventilate the space?

9 A. Well, actually, the area was well - Well, the hatch
10 that was there was open. It had been open for days. Anyhow,
11 I did put in there a blower in order to extract the smoke.

12 Q. How many hatches were open or off?

13 A. They had two large hatches.

14 Q. And they were off?

15 A. No, they were open.

16 Q. Do you remember what machinery or equipment was in
17 the lazarette?

18 A. They had some hydraulic pumps, jacks - excuse me.

19 Strike that. It is a jack, a hydraulic jack. They had a
20 compressor tank; and then what I installed, the machine, the
21 blower.

22 Q. Were people painting the boat that day?

23 A. No.

24 Q. Were there any painters on the boat?

25 A. Yes. They had painters but they were not painting.

1 Q. What were there doing?

2 A. They were sanding.

3 Q. What part of the boat?

4 A. The front area of the deck.

5 Q. The bow, the front.

6 A. Yes.

7 Q. Did you see any painters at the transom? Did you
8 see painters at the transom, at the very back of the boat?

9 A. No.

10 Q. Do you know who "Aki" is?

11 A. "Aki"? It sounds familiar, but it's a young man
12 that I believe that he works there. I don't know. I don't
13 recall.

14 Q. Did it rain that day?

15 A. No.

16 Q. Did the captain tell you why the aluminum plates
17 that you were making was necessary?

18 A. Yes. He did tell me and he told me specifically.
19 He gave me the specifications and tell me why; for what.

20 Q. Why did he tell you that the plates were necessary?

21 A. I don't understand your question.

22 Q. What were they being used for?

23 A. The purpose for that was it was a bracket in order
24 to load up hydraulic jobs.

25 Q. Why not put the jacks right on the deck?

1 A. The plates that I made were - The purpose for that
2 was in order to put the jacks so that the jacks would be able
3 to use enough force because it was large and heavy.

4 Q. I'm not sure that I understand.

5 Why not just install the jacks right on the deck?

6 A. I don't know how to answer that.

7 Q. Did the captain tell you that they had tried to do
8 that first without the plates?

9 A. No. No, I don't have any knowledge about that.

10 Q. Did you read, what you referred to as "The piece of
11 paper," that was on the boat?

12 A. The only thing that I read was that "Gas Free." It
13 is in large letters.

14 Q. That told you it was safe to weld in the lazarette,
15 as far as you know?

16 A. Yes.

17 Q. If you did not see that gas free certificate you
18 would not have welded, correct?

19 A. That is correct.

20 Q. Did you ever attend any safety meeting before this
21 explosion occurred?

22 A. Several months before there was a safety meeting,
23 but I don't recall it exactly.

24 Q. Do you remember what was discussed in this safety
25 meeting?

1 A. Well, they talk about the smoke that you can inhale
2 while your welding; because they have different departments
3 in there; and we work with the kind of welding that produces
4 a lot of smoke; and they talked about that it is for us not
5 to inhale a lot of smoke; and not to have any residues from
6 the materials that would cause a fire.

7 Q. Were you ever given a safety manuel?

8 A. No.

9 Q. Were you ever given an employee manuel?

10 A. No.

11 Q. Did you wear goggles at the time of the explosion?

12 A. I had the welding mask, the helmet.

) 13 Q. That covered your face?

14 A. Yes, sir.

15 Q. I take it that you can see through that?

16 A. The way it works is that you look at the area where
17 you put on the mask and then you - and as you move your head
18 it goes down as you are going to weld.

19 Q. I want to mark as the next exhibit --

20 (WHEREUPON, a brief off-the-record discussion was
21 had.)

22 MR. KALLEN: Let the record reflect that is Exhibit
23 18. After Mr. Naranjo's deposition was commenced back
24 on Thursday - I guess that it was the 11th - We took
25 some interim depositions; and they have been marked

1 exhibits consecutively; and that's why the next exhibit
2 of Mr. Naranjo's deposition will be 18 as opposed to
3 what would otherwise be 4 or 5 or wherever we left
4 off.

5 In any event Exhibit 18 will be a set of
6 interrogatories and answers to interrogatories; and I'm
7 going to keep the original set; and we'll make a copy
8 for transcript purposes.

9 (WHEREUPON, the above referenced document was marked
10 as Defendant's Exhibit No. 18 for Identification.)

11 BY MR. KALLEN:

12 Q. Mr. Naranjo, let me show you Exhibit 18. First,
13 I'll ask you on the last page of this exhibit, is that your
14 signature?

15 A. Yes.

16 Q. Now, do you remember having to answer these written
17 questions; and go ahead and look through this.

18 A. (Witness complies).

19 Q. Mr. Naranjo, let me show you these questions that
20 are part of 18 and request if you remember seeing these
21 questions and having to provide answers to them?

22 A. Can you read that to me?

23 Q. Okay. Did you ever see these before, these
24 interrogatories?

25 A. Let me see.

1 Q. No, it says in here - February. Where did it say
2 that? What year was this done in? Do you remember --

3 A. Is it my signature but I don't recall - Yes, well, I
4 don't recall that very well. That was a year ago if that was
5 last year.

6 Q. Are you having any type of memory problems, even
7 today?

8 A. No, but it is that I don't recall. I don't recall
9 that.

10 Q. That's fine.

11 I'd like to mark as the next exhibit - and we'll
12 make it a composite to these were produced to me by Mr.
13 Naranjo's counsel; and specifically, they appear to be W-2
14 forms and income tax returns from Mr. Naranjo and mark it
15 Composite Exhibit 19.

16 MR. DAPENA: Can I see the interrogatories?

17 MR. KALLEN: Yes.

18 For the record, these are for the years 1992, 1993,
19 and 1994, 1995, 1996, 1997, and 1998.

20 (WHEREUPON, the above referenced document was marked
21 as Defendant's Exhibit No. 19 for Identification.)

22 BY MR. KALLEN:

23 Q. Let me show these to you, Mr. Naranjo. Do you
24 recognize these as being your income tax returns for the
25 years 1992 through 1998?

1 A. Yes, this is mine. So is this one also mine, yes.

2 Yes, also. Also, yes. This is all mine.

3 Q. There are as part of this Exhibit 19- There are some
4 W-2 forms from a company called First Delta Financial Corp.,
5 for 1997.

6 What work did you do for First Delta Financial
7 Corp., in 1997?

8 A. No, I did not work over there for them.

9 Q. You did not?

10 A. No.

11 Q. In 1998, for the 1998 return there is also a return
12 from Allied Transportation Resource?

13 A. Yes, I believe that is for some work that my wife
14 did. I believe this is also for work that my wife did.

15 Q. The reason that I ask these forms are made out and
16 sent to Henry Naranjo; that is why I asked.

17 A. This was at first - This was done over there. I
18 don't remember that.

19 Q. Well, I'm not sure what you're referring to now.

20 Let me ask you --

21 A. Yes.

22 Q. -- since this accident happened have you worked
23 anywhere other than at and for Bradford Marine?

24 A. No.

25 Q. You have not done any other jobs for pay other than

1 at Bradford Marine?

2 A. No.

3 Q. Have you looked for any work?

4 A. No.

5 Q. Why not?

6 A. Because shortly after the accident I was very, very
7 upset. I was sick.

8 Q. That's understandable. Let me be more specific, Mr.
9 Naranjo.

10 Have you looked for any work or any job to do in
11 1999, in the year 2000, or up to now in 2001?

12 A. No.

13 Q. Why not?

14 A. Because I don't feel well.

15 Q. Do you feel that you are presently able to work?

16 A. No.

17 Q. That's because of the way that you feel?

18 A. That is due to the way that I feel.

19 Q. Would it be your preference to be able to work?

20 A. If I was well, yes.

21 Q. For example, if a job would be found for you to do,
22 would you be willing to do that job if you felt physically
23 able to do it?

24 A. If I felt well, I could do it.

25 Q. Have you met with anybody in the past two years

1 about trying to get you to be able to work?

2 A. No.

3 Q. Who prepared the four income tax returns?

4 A. I do it with a friend of mine who is like an
5 accountant but he is not - well, I'm - I do them.

6 Q. How many years has your friend helped you do your
7 income tax returns?

8 A. Three, four years.

9 Q. Did you file a return for 1999?

10 A. Yes.

11 Q. So we should be able to get that from somewhere?

12 A. Yes.

13 Q. Did you file a return yet for 2000?

14 A. No.

15 Q. What is your friend's name that has helped you
16 prepare the returns in the past three or four years?

17 A. Carlos Becerra.

18 Q. Can you spell the last name?

19 A. B-E-C-E-R-R-A.

20 Q. Where does he live?

21 A. He lived here and he left.

22 Q. Where does he live now?

23 A. I don't know. I believe that he went back to his
24 country.

25 Q. What country is that?

1 A. Honduras.

2 Q. When did he go back to Honduras?

3 A. I couldn't say. I don't recall exactly but it was
4 last year.

5 Q. Does Mr. Becerra speak English?

6 A. Yes.

7 Q. Better than you?

8 A. Yes.

9 Q. And he reads English?

10 A. He reads English.

11 Q. Better than you?

12 A. Better, and speaks better.

13 Q. And you say that he is not an accountant?

14 A. Not here.

15 Q. Honduras, you think?

16 A. I think so.

17 Q. In what way did Mr. Becerra help you with the tax
18 returns?

19 A. Well, he would save me the \$100 that it would cost.

20 Q. Yes, but as I understand it that both of you
21 prepared these returns; and what I'm asking is what part of
22 these returns did he help you with?

23 A. We would read the book. I get that book, and based
24 it on that.

25 Q. Okay. Do you know who prepared your wife's income

1 tax return?

2 A. The person that I just told you.

3 Q. Carlos?

4 A. Carlos Becerra.

5 Q. By the way, does your wife speak English?

6 A. She speaks better than I do, yes.

7 Q. Does she read English?

8 A. Also.

9 Q. Better than you?

10 A. Yes.

11 Q. I don't know if this question was asked: Do you
12 write English?

13 A. Some basic things too.

14 Q. For example, if I asked you to write, How are you? -
15 can you do that?

16 A. Yes, sir.

17 Q. My back hurts; can you do that?

18 A. Yes, basic words, short.

19 Q. Basic short words?

20 A. Yes.

21 Q. You do know that I represent Steven Smith who owns
22 the boat that you were working on?

23 A. Yes, of course; and you're telling me now.

24 Q. I'm also telling you that Captain Jack - Who you
25 know?

1 A. Yes.

2 Q. -- was employed, was working for Mr. Smith?

3 A. Yes.

4 Q. You knew that right before me telling you?

5 A. Well, yes, I learned about that now. I knew the
6 captain, and I met the owner.

7 Q. You did meet the owner one time?

8 A. Yes, shortly after surgery when I went over to the
9 job.

10 Q. Did he come to see you?

11 A. No, the captain introduced me to him because the
12 department for the job was over here and the boat was right
13 next to it.

14 Q. That was after you had surgery on your back?

15 A. Yes, afterwards.

16 Q. Did the captain ever tell you after the accident
17 that it was his fault?

18 A. We never speak about that.

19 Q. Now, do you understand that you are claiming a
20 lawsuit that the captain was at fault?

21 A. Yes.

22 Q. So you feel that the captain should have done
23 something that he did not do?

24 A. I do believe that, yes.

25 Q. What should he have done that he did not do?

1 A. He should have made sure that nothing was going to
2 happen to me over there.

3 Q. How would he do that?

4 A. That I don't know how to answer. The only thing
5 that is that I did trust him.

6 Q. Did you also trust your foreman?

7 A. Yes.

8 Q. Who was the expert welder here, you or the captain.

9 A. I don't know what knowledge the captain has but I
10 had trust. I had to put my trust in him.

11 Q. Did you also put your trust in yourself to make sure
12 that it was safe also?

13 A. I also took some precautions.

14 Q. Did you also put your trust in that piece of paper
15 that said "Gas free"?

16 A. Also.

17 Q. Did you also put your trust in the fact that your
18 boss had inspected the space?

19 A. Also.

20 Q. So let me ask you again; and try to be specific if
21 you can, you had a few years to think about this: Is there
22 something in particular that the captain should have done but
23 did not do?

24 A. The time that has elapsed up until now, I believe
25 that the captain should have seen or looked at the area well;

1 and where I was working; and where I was able to do the work,
2 I believe.

3 Q. Isn't that why you looked and your foreman looked?

4 A. Well, to be more brief the first thing that I saw is
5 that my boss told me to go and see the captain. The captain
6 showed me what I had to do. And my boss also knew what I had
7 to do in there.

8 Q. When you say the "Captain showed you what he wanted
9 you to do" what you mean by that is that he told you that he
10 wanted two aluminum plates made; and he told you the area
11 where he wanted it - where he wanted the plate put on the
12 deck?

) 13 A. Exactly.

14 Q. He did not tell you how to do your job, correct?

15 A. No, he told me to put the plate in this position and
16 that's the way that he wanted them.

17 Q. That's right; but it was up to you do that job
18 safely, correct?

19 A. Correct.

20 Q. Was there something that the captain told you to do
21 which he should not have said?

22 A. He was not very specific when I asked him if there
23 was any danger in there; and he said, no. The only thing
24 that he said was concrete and then aluminum plate and then
25 flush.

1 Q. The captain used the word "flush"?

2 A. Yes.

3 Q. How many times in the year that you were working for
4 Mark Watson did he explain to you - Tony Watson - did he
5 explain to you that before you were to start a job you were
6 to ask Tony about the job so that he could review it with
7 you?

8 MR. DAPENA: Object to form.

9 A. He would always check; that is he would go and look
10 at the job that has to be done; and look at the people that
11 were available to do that.

12 Q. Right, because you know from working at Bradford
13 Marine that it was their policy that before any welding work
14 was done the welder and foreman who makes the decision that
15 it was safe to do?

16 MR. DAPENA: Object to form.

17 A. Yes.

18 Q. So regardless of what the captain may say to you, if
19 your boss says, This is not safe; you're not doing it,
20 correct?

21 A. Correct.

22 Q. The same thing even if the captain says, It's safe;
23 you don't do the work until you and your boss, the foreman,
24 say, It's safe?

25 A. Yes.

1 MS. BARKER: I think that I'm done.

2 CROSS-EXAMINATION

3 BY MR. WEBER:

4 Q. Just a couple of questions. I think that you stated
5 earlier that you were aware that Tony Watson had inspected
6 the area before you did your work?

7 A. Yes.

8 Q. Did you speak with Tony Watson about his inspection?

9 A. No. No, just to go and do the job. He had gone and
10 seen the captain to see what has to be done. He told me also
11 what had to be done.

12 Q. Did Tony Watson tell you what he did to inspect the
13 area?

14 A. No, he didn't say.

15 Q. Did you observe Tony Watson inspect the area?

16 A. No.

17 Q. Do you know when Tony Watson inspected the area
18 prior to your working in the area?

19 THE INTERPRETER: I'm sorry - When?

20 MR. WEBER: Prior to his doing the work.

21 A. No.

22 Q. Do you have a valid Florida driver's license?

23 A. Yes, sir.

24 Q. Does it have any restrictions on it?

25 A. No.

1 Q. Are you able to drive?

2 A. Yes.

3 Q. Have you, in fact, driven since this accident?

4 A. Excuse me?

5 Q. Sure. For instance who drove here today?

6 A. She did.

7 Q. Were you able to drive here today?

8 A. No, I was not feeling well.

9 Q. What about your condition is it that would have
10 prevented you from driving here?

11 A. I want to come relaxed and quiet in the car.

12 Q. Does driving a car irritate or aggravate your back
13 at all?

14 A. Well, if the trip is not too long, because otherwise
15 it does bother me.

16 Q. How long can you drive before your back starts to
17 hurt?

18 A. Immediately, as you sit down - Well, it is immediate
19 because of the way that the seat is built; and it's
20 uncomfortable to be inside the car.

21 Q. Do you drive - Strike that.

22 How often during the week do you drive a car?

23 A. Sometimes - Well, yesterday I did not drive. Maybe
24 two, three times during the week.

25 Q. Giving me an example of where you will drive your

1 car, do you drive it to the grocery store?

2 A. I go to the grocery.

3 Q. Where else do you drive your car?

4 A. Near my home there is a shopping center, a mall.

5 Q. Do you have your own vehicle?

6 A. Yes.

7 Q. What kind of car do you have?

8 A. A Honda Accord.

9 Q. Does your wife have a separate car?

10 A. Yes.

11 Q. What kind of car does she have?

12 A. Civic Honda.

) 13 MR. KALLEN: That was asked.

14 MR. WEBER: That's all that I have.

15 CROSS-EXAMINATION

16 BY MR. DAPENA:

17 Q. Who in your opinion would know this vessel better
18 than the captain?

19 MR. KALLEN: Object to the form.

20 A. The captain.

21 Q. And why is that?

22 A. Because - because of his experience. He has to be
23 in charge of that and also of the crew.

24 Q. So is that why you asked him what was underneath the
25 lazarette?

1 MR. KALLEN: Object to form.

2 A. Yes, of course.

3 Q. What did he say?

4 A. That there were no fuel tanks; there were no fuel
5 lines; that there was just concrete and aluminum plate
6 flushed.

7 Q. You felt you were safe under those circumstances?

8 MR. KALLEN: Object to form.

9 A. Yes.

10 MR. DAPENA: That's it. Read.

11 (WHEREUPON, the deposition was concluded at 4:00
12 p.m.)

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CERTIFICATE OF OATH

THE STATE OF FLORIDA,)
COUNTY OF BROWARD)

I, KATHERINE TRAINER, Court Reporter and Notary Public, do hereby certify that HENRY NARANJO personally appeared before me and was duly sworn.

13 WITNESS MY HAND AND SEAL this 23 of February, 2001.

Katherine Trainer
My Commission CCE
Expires August 03, 2018

KATHERINE TRAINER
COURT REPORTER and NOTARY PUBLIC,
STATE OF FLORIDA AT LARGE:

20 RULE 1.310. FLORIDA RULES OF CIVIL PROCEDURE PROVIDES, IN
21 PART: (E) "...Any changes in form or substance that the
22 witness wants to make shall be entered upon a separate
23 correction page by the officer with a statement of the
24 reasons given by the witness for making them..."

2-23-01

Henry Naranjo
8881 Northwest 8th Street
Pembroke Pines, Florida 33024

IN REFERENCE: Henry Naranjo vs Stephen Byron Smith et al.

Dear sir:

This letter is to inform you that your continuation deposition given on 16th day of January, 2001, is now ready for your reading and signing.

This transcript will be held in our offices up to and no later than 30 days from the date of this notification.

Please phone our office to schedule a convenient time for you to come in and read and sign your deposition.

If you choose not to respond, the transcript will be forwarded to counsel(s) accordingly.
Thank you for your cooperation.

Sincerely,

Katherine Trainer
Court Reporter
cc: Court File
MR. VALLE
MR. KALLEN
MR. FAMULARI
MR. WEBER

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E-R-R-A-T-A S-H-E-E-T

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PAGE/LINECORRECTIONREASON

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(Use other side if necessary)

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I, HENRY NARANJO, do hereby certify that I have read the
foregoing transcript of my CONTINUATION deposition given on
the 16th day of January, 2001; that together with any
additions or corrections made herein it is true and correct.

22

HENRY NARANJO

DATE

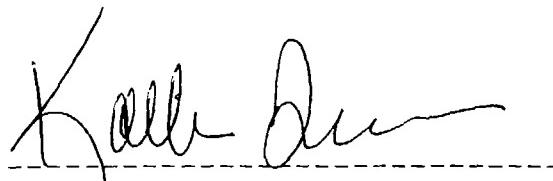
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NOTARY PUBLIC, STATE OF
FLORIDA AT LARGE:

DATE

1 C-E-R-T-I-F-I-C-A-T-E2 THE STATE OF FLORIDA)
3))
3 COUNTY OF BROWARD)4
5 I, KATHERINE TRAINER, Court Reporter and Notary
6 Public, in and for the State of Florida at Large, do hereby
7 certify that HENRY NARANJO was by me first duly sworn to
8 testify the whole truth, and that the above deposition by him
9 given was recorded stenographically by me personally, and
10 reduced to typewriting under my direction to the best of my
11 ability.12 I further certify that I am neither attorney for any
13 party nor am I related to or employed by an attorney or party
14 connected with the action, nor am I financially interested in
15 the action.16 WITNESS MY HAND AND SEAL this 23 day of February,
17 2001.18 
1920 KATHERINE TRAINER
21 COURT REPORTER and NOTARY PUBLIC
22 STATE OF FLORIDA AT LARGE:
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